App F IX 4

Previous References

1943-44 Municipal

5403

File No 102-42

Serial Nos 138, 142

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2 -

Part B for March 1944

SUBJECT

Adding the words "or other assets of the municipality" in the agreement executed by the Hassan Town Municipality in respect of the loan of Rs 80,000/- granted ~~to them~~

1) the Deputy Commissioner Hassan
2) Comptroller to the Govt of Mysore

No L 9933 H.L 102-42-142 dated 22 3 44

Permitting the adding of the above words in Condition 6 of the agreement and fixing up the ~~repay~~ period of repayment of the loan ~~etc~~ for 6

317

from the D C Hassan at
NOTE : T R 6/41-42 dt 5-1-44
Requests orders on the suggestions of the Public Prosecutor, Hassan, as regards the adding of 'or other assets of the mill' after the words 'sale of sites' in para 6 of the agreement executed by the Hassan Town mill in respect of the loan of Rs 80,000/- granted to them

× E

1) In ~~Go~~ of 15th NW 43, sanction was accorded to the grant of a loan of Rs 80,000/ to the Hassan Town mill carrying interest at 4½% and repayable out of the sale of sites which will be formed in certain areas to be acquired for the formation of extensions in the mill ~~area~~ site ~~and~~ No time limit is fixed in the Go ~~to repay~~ for the repayment of the loan in question

2) The agreement was executed by the mill as per conditions specified in the Go (vide- ~~term~~ × term No 6 of the agreement) Now the Public Prosecutor, Hassan suggests that 'or other assets of mill' be added after the words 'sale of sites' vide line 7 of this para - inorder to ensure the repayment of the loan in case the sale

7 (A)

are not sold

3) The D C seeks orders on the suggestion made by the public prosecutor on the time limit to be fixed to allowed for the repayment of the loan, of the public Prosecutor now is not accepted by court

4) The Law section may perhaps be consulted as regards the vesting of or other assets of the wilf' after the 'sale of estate' in line 7 of the 4th para of the agreement, as suggested by the public prosecutor fly 7

5) Submitted for orders

29/- 1) The opinion of the Advocate General might be obtained in the matter SECY 8820

Law dept 25/2/1944

DC Memo No 262 Dated 1-3-1944 2) CW 1-3-44

3) Forwarded respectfully with compliments to the Advocate-General in response for favour of opinion on the point raised by the Deputy Commissioner Hassan dft

Secretariat
Secretariat
7/3/44 Law dept

SECY LAW DEPT 8820 (a) 6 MAR 1944 GOVT OF INDIA

4) I totally fail to see that there is any point of law involved in the matter. The point is whether security the Govt deems it necessary upon as a matter purely of adjustment between the two parties c c Govt 6/3/44

WD 01809—GPB—60 000—26 I 43

No to 71 43-44, dy 6/3/44

6/3/44

'7'

The D c Hassan Dist Bought under on the suggestion of the Public Prosecutor Hassan, to sell the other assets of the "Mill" after the words "sale of plots" in Item No 6 of the agreement executed by the Hassan Thrift Ltd in respect of the loan of Rs 80,000/- granted by Govt for the improvements under going to a Five year programme, in G O dt 16-11-43 this suggestion was proposed in order to ensure the repayment of the loan granted, in case the plots are not sold which - under Point 5 of the GO

E

The opinion of the Advocate General was called for on the points raised by the D c re the adding of the words proposed by the Public Prosecutor

The Advocate General observed, that there is no any legal point involved in this to furnish his opinion & that this is purely a matter between the govt & the Mill to decide the question of the necessity in this behalf

In the above circumstances, the D's point of adding the words proposed or for fixing the time limit in case the proposal of the public prosecutor is not accepted, for the repayment

Re grant of loan to Hassan 4402
Tumkur etc -

Continuation Sheet | File No / Current No | of | Page 2

the loans are subject to orders with
reference to paras 6 & 7 thereof
6/3 It would be safer in the
interest of Govt to include in the
agreement the words "or other assets
of the municipality" and to fix a
period of eight years for the repayment of
the loan of Rs 50,000 as in orders

Law Secy for
6/8/44

The suggestion of the public
prosecutor may be accepted
& the period may be fixed
at 6 years.

Secy
6-3-44

Secy
6-3-44

Secy
9-3-44

Secy
10-3-44

Dept reply

Dept reply to Rule 6
Secy 11/3
11/8/44

No 9933 & 22-3-44
addressed and instructions

Secy
21/4
JM

SEC L 875 — 7 F R 1244 — COPY — O MYSORE

OFFICE T T HO S P Dat 8 3 44 A 6100

WD 01809—GPB—60 000—26 1 43

rec 102-42-138

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 5th January 44

No L C F R 6/41-42

From

N S Hirannayya, Esq , M A ,
Deputy Commissioner,
Hassan District

To

C Narayanaswamy Naidu, Esq , B A ,B L ,
Secretary to Government,
Law Department, Bangalore

Sir,

Loan sanctioned to Hassan Municipality

With reference to Government Order No L 5045-8/41 102-42-131 dated 15th November 1943 sanctioning a loan of Rs 80,000/- to Hassan Town Municipality, I have the honor to enclose herewith the agreement in Appendix 'A' obtained from the President and other Councillors of Hassan Town Municipality for the repayment of the said loan and to state as follows -

In the penultimate paragraph of the Govt Order referred to above it is stated that the loan carrying interest at 4½% is repayable out of the realisation from the sale of sites This condition is set forth in the 6th para of the agreement obtained from the Municipality

In this connection the opinion of the Public Prosecutor, Hassan was called for as to the correctness of the agreement having been called for he has suggested that the words "or other assets of the Municipality" may be added after the words "sale of sites" in the 7th line of the 6th para of the agreement and according to which the municipality will be bound over to repay the loan out of the realisation from the sale of sites or from other assets of the Municipality if the sites are not sold If this suggestion of the Public Prosecutor is accepted then a time limit has to be prescribed for the repayment of the loan with interest by the Municipality

I request you to kindly intimate as to whether the suggestion of the Public Prosecutor, Hassan may be accepted and the words suggested to be added on to the agreement, or not If the said suggestion is

is acceptable then I request you to kindly obtain orders of Government regarding the time limit to be allowed for the repayment of the said loan

I have the honor to be,
Sir,
Your most obedient servant,

H. Hanumanth Rao
Deputy Commissioner,
Hassan District 1st 1944

Appendix F G —1]

SUBJECT

Section Rel
File No 102-42
Serial No 142

Diary No of letter replied to

No K 9933

General and Revenue Secretariat

( )

the *194*

To

The D C Hassan Dist

Sir,

Date of issue 23/11/44

In reply to your letter No Rel C T R 6/41-42 dt 5-1-44 (Rec) the ~~subject matter~~ words "or other assets of the said" in the ~~sale of sites~~ in term No 6 of the agreement executed by the Hassan Town Mut Cl regarding the sale of sites in the Town of Hassan to the Hassan Town Mut Cl in respect of the loan of Rs 80,000/- granted to them, etc, I am directed to state that the suggestion offered by the public prosecutor, Hassan, in this behalf may be accepted

Signed by

List of enclosures

Codied by

Examined by

WD 161—GPB—60 000—24 10 41

8%

and ~~at~~ terms of eight years
may also be fixed for the repayment
of the loan in question
The agreement sent with your letter
also accompanies

I have the
honor
to be
Secretary of Law
Memo 2 9934 of 22 3 Cal
copy sent to Comptroller
for info.

Yours
very respectfully
Secretary

Pages 1 - 2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

L 9933

Dated Bangalore 22nd March 1944

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department.

The Deputy Commissioner,
Hassan District.

Sir,

In reply to your letter No Ml.C.T R 6/41-42 dated 5th January 1944 regarding agreement executed by the Hassan Town Municipal Council, I am directed to state that, as suggested by the Public Prosecutor, the words "or other assets of the Municipality" may be added after the words "sale of sites" in condition No 6 of the agreement referred to above A Period of eight years may also be fixed for the repayment of the loan in question The agreement sent with your letter also accompanies.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Law Department.

tvr